

REMARKS

Claims 28-30, 49 and 51-55 are pending in the application following entry of the amendments herein. Claims 1-27, 31, 50 and 56 are canceled. Claims 28 and 51 have been amended to clarify that the water being dispensed is purified water and to recite the features of claims 50 and 56, respectively. No new matter has been added.

ARGUMENTS

Claims 28, 50-51 and 56 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,240,829 to McGarrah. The Examiner has taken the position that McGarrah discloses a water purification apparatus with an inlet and outlet, a water purification means between the inlet and outlet, first and second water release means (18, 20), the first being operable at a first flow rate and the second being operable at a second flow rate, with the flow rates differing, and that the flows from the first and second release means combine prior to reaching the outlet. Applicant disagrees.

Claim 28 recites that the water purification means is located between the inlet and outlet. In McGarrah, there is no water purification means located between the inlet (which in the overall system is depicted at numeral 22) and the outlet (12b). On the contrary, McGarrah discloses that the water that is supplied to the inlet is already filtered. See, col. 3, lines 26-28. There is no water purification device disclosed in McGarrah that is located between the inlet and the outlet. Thus, for this reason alone, McGarrah does not anticipate claim 28 and the rejection should be withdrawn.

Claim 51 is a method claim that includes features similar to claim 28. As with claim 28, claim 51 is not anticipated by McGarrah since it does not show a water purification device located between the inlet and the outlet. Accordingly, the §102(e) rejection based on McGarrah is improper and must be withdrawn.

Additionally, McGarrah is not a water purification system. Instead, it is a beverage mixing system. Thus, the fluid that comes out of at least the hot water valve 20 is not water, but a mixture of water and a beverage concentrate. See, col. 3, lines 34-40. Thus, valve 20 is not a water release means since it does not release water. Additionally,

the fluid out of the two valves 18 and 20 is channeled into a batch container 12. From there, the dispensing of the beverage through the outlet 12(b) is controlled by a separate dispensing valve 42. As such, there is no control in McGarrah over precise dispensing of water using two release means.

Prior to amendment, claims 28 and 51 clearly stated in the preamble that they claimed device and process was related to water purification. The rejection based on McGarrah is improper because it neglects this key feature of the invention. Even a cursory reading of the application as filed shows that the invention is for a device and process for dispensing purified water. McGarrah is a beverage mixing that system and, thus, is not an appropriate references. Claims 28 and 51 have been amended to further highlight this aspect of the invention, i.e., that the device in claim 28 and the process in claim 51 are for dispensing purified water from the two *water* release means.

For the reasons outlined above, claims 28 and 51 are not anticipated under 35 U.S.C. §102(e) by McGarrah. Claim 50 depends from claim 28 and claim 56 depends from claim 51 and are also not anticipated by McGarrah for at least the reasons stated above. Reconsideration and withdrawal of the rejection of these claims is requested.

Claims 28-30, 32-49 and 51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,817,231 (Souza) in view of U.S. Pat. No. 3,991,911 (Shannon et al.) The Examiner contends that Souza discloses all the features of the independent claims 28 and 51, except the Examiner acknowledges that Souza does not disclose that the first flow rate from the first water release means differs from the second flow rate from the second water release means. However, the Examiner has cited Shannon et al. as disclosing two product release means with two different flow rates. The Examiner contends that it would have been obvious to a person of ordinary skill in the art to utilize the teaching in Shannon et al. to modify the water release means in Souza in order to vary the flow rates to prevent an “undesirable dispensing condition such as splashing of the product.” The Examiner cites col. 31, lines 62-68 and col. 32, lines 1-57 as supporting the motivation to make the combination.

Souza discloses a water purifying and vending machine including water dispensing means 28. The water dispensing means 28 includes a left bay flow path (152, 154, 156) and a right bay flow path (153, 155, 157). The water is discharged from the left and right bays of the dispensing means 28 through separate output nozzles (158, 159). Souza neither states nor implies that the water dispensing means 28 is adapted to provide variable flow rates such that *the first flow rate differs from the second flow rate* as required by claims 28 and 51. Specifically, claim 28 requires that the first flow rate is different from the second flow rate. Claim 28 also recites that the first and second release means combine their flows prior to discharge out of the outlet. The flows out of the valves in Souza are separate and go into separate containers (see, Fig. 1, containers 160 and 161.) Accordingly, Souza fails to disclose at least these two features. Moreover, Souza actually teaches away from the combination of the flows since the two dispensing valves are spaced further apart than the inlet pipes 152, 153. A person skilled in the art would automatically understand that the system in Souza is designed to provide two distinct outlet flows, with no possibility of combination.

Shannon et al. discloses a beverage mixing system for mixing alcoholic drinks, such as Tom Collins and Whiskey Sours. Thus, as a starting point, Shannon et al. is not an appropriate reference since it is not directed to water purification systems. Furthermore, Shannon et al. controls flow out of reservoir 80a (figure 39) through separate flow control valves S1 and S2. Each valve is located on a separate output pipe 76, 76a. The output pipes are directed into a glass as separate flows. See, Fig. 2. There is no combining of the flows from the two valves into a common pipe to the outlet. Specifically, Shannon teaches away from combining flows. As stated in col. 2, lines 66-68, "During this discharge, it is to be noted that the liquids never intermingle with each other". Accordingly, neither Souza nor Shannon et al. disclose the combination of the flows from the valves into a common flow tube.

Moreover, the valves in Shannon are not independently controlled. To the contrary, as shown in both Fig. 3 and Fig. 39, the signals S1 and S2 are connected through a common diode D. Thus, both valves are activated together and are not controlled independently from one another.

As discussed above with respect to McGarrah, the claims are directed to a water purification device and process. Shannon et al. does not involve a water purification device or process, and the valves disclosed in Shannon et al. do not dispense purified water. On the contrary, Shannon is intended to dispense a mixed beverage. Thus, Shannon et al. is not a proper reference.

Accordingly, for these additional reasons, claim 28 is patentable over the combination of Souza and Shannon et al.

Claims 29-30 and 32-49 all depend from claim 28 and, therefore, are also patentable over the combination of Souza and Shannon et al. In addition, many of these claims recite features that are not disclosed in either Souza or Shannon et al. For example, claims 42 and 43 further recite a control means for controlling the outlet flow and flow rate through all of the water release means and that the control means is pre-programmed to calculate the rate of flow through each water release means. Shannon does not specifically disclose this feature.

Claim 51 recites a method for dispensing water from a water purification apparatus having an inlet and an outlet, and at least one water purification means thereinbetween, the outlet including at least a first water release means and a second water release means. Similar to claim 28 above, claim 51 recites that the first and second water release means are operable at first and second flow rates that differ from each other. Also, claim 51 requires that the flows from the release means are combined prior to being channeled out of the outlet.

Again, Souza fails to disclose or imply that the left and right bays of the dispensing means are adapted to dispense water at ***first and second flow rates that differ from each other*** as required by claim 51. The claims recite a device which requires that the first flow rate is different from the second flow rate. This requirement is not disclosed nor suggested by Souza. There is also no combination of the flows by the release means prior to being channeled out of the outlet. Furthermore, Souza only describes a release component for either manually dispensing (Col. 4, line 55) or alternatively, "continuously dispensing" (Col. 4, lines 56-57). These two alternatives imply that there is no imposed constraint on the two flow rates and that one would not be

needed or desired. Accordingly, claim 51 is also not disclosed nor suggested by Souza, and as discussed above Souza actually teaches away from the combination.

As previously discussed, Shannon et al. does not remedy any of these significant deficiencies in Souza. Thus, it is respectfully submitted that the combination of Souza and Shannon et al. does not render claim 51 obvious. Each of claims 52-56 depends from claim 51 and, therefore, are also patentable over the combination of Souza and Shannon et al..

For at least the foregoing reasons, Applicants respectfully request that the rejection of claims 28-30, 32-49 and 50-55 under 35 U.S.C. 103(b) based on Souza and Shannon et al. be withdrawn.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. If the Examiner believes that direct communication with Applicants' representative will expedite consideration of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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